

REMARKS

The last Office Action in the above-identified application and the references cited by the Examiner have been carefully considered. The claims have been amended in a sincere effort to define more clearly and more specifically features of Applicants' invention which distinguish over the art of record.

Claim 27 has been objected to because of an informality. The Examiner pointed out that the claim upon which Claim 27 depends has been misnumbered as Claim 22 when it appears to be consistent with Claim 23.

The Examiner's helpful comments with respect to this error are noted and gratefully appreciated. Claim 27 has been amended so that it properly depends from Claim 23, not Claim 22. Accordingly, it is respectfully urged that Claim 27 is now in proper form and obviates an objection under 35 U.S.C. 112.

Claims 1-29, 31 and 32 have been rejected under 35 U.S.C. 103 (a) in view of published U.S. patent application having Publication No. 2001/0051996 (Cooper) and published U.S. patent application having Publication No. 2002/0002541 (Williams).

More specifically, with respect to independent Claim 1, the Examiner contends that the Cooper application discloses a method for distributing data over a network, having the steps of issuing a certificate and a private key to a client for identifying the client in a transaction (at page 2, paragraph 0018 and at page 3, paragraph 0042); verifying a digital signature using the certificate before distributing data to the client, at page 2, paragraph 0019; generating a message associated with the data being downloaded to the client and associated with the user's private key, at page 8, paragraph 0102; and distributing the data and the associated message to the client, at page 8, paragraph 0110. The Examiner acknowledges that the Cooper application does not teach the storage of the private key and digital certificate on a token, but contends that the Williams patent application discloses this, at page 3, paragraph 0042 of the Williams published application.

Independent Claim 4 has also been rejected in view of the Cooper and Williams published patent applications, the Examiner contending that the Cooper application discloses,

at page 2, paragraph 0032, the step of establishing a secure connection between a client and a server, issuing a certificate and a private key to the client for identifying the client in a transaction, at page 2, paragraph 0018, and storing the certificate and the private key in a token used by the client during a transaction, at page 2, paragraph 0018. The Examiner further contends that this last step is also disclosed in the Williams published application, at page 5, paragraph 0042.

Claim 14, which is also in independent form, was rejected as being obvious in view of the Cooper and Williams published applications. The Examiner contends that the Cooper application discloses, at page 2, paragraph 0032, the step of establishing a secure connection between a client and a server; at page 2, paragraph 0019, the step of receiving a request from the client for data to be downloaded; at page 8, paragraph 0102, the step of generating a message associated with the data being downloaded to the client and associated with a token used by the client; and at page 8, paragraph 0110, the step of distributing the data in the associated message to the client. The Examiner also contends that the Williams published application discloses the third step of generating a message associated with the data being downloaded to the client and associated with a token used by the client, at page 5, paragraph 0042.

Independent Claim 23 has also been rejected as being obvious in view of the Cooper and Williams published patent applications. In this regard, the Examiner contends that the Cooper application discloses, at page 8, paragraph 0124, the step of opening a media player; at page 8, paragraph 0124, opening a data file; at page 2, paragraph 0018, the step of requesting a token from a client; at page 5, paragraph 0060 and page 6, paragraph 0075, and at page 8, paragraph 0102, the step of reading a distinguishing number from the token; and at page 5, paragraph 0060, page 6, paragraph 0075, and page 8, paragraph 0102, the step of verifying a digital message associated with the data file and the token using the media player, the distinguishing number and a private key in the token. The Williams patent application does not appear to be applied against independent Claim 23, although the Examiner rejected the claim in view of the Williams patent.

Similarly, independent Claim 28 has also been rejected as being obvious in view of the combination of the Cooper and Williams published patent applications. In this regard, the Examiner contends that the Cooper patent application discloses a client computer for requesting data over a network, the client computer being interfaced to the network, as allegedly shown in Figure 1 of the Cooper patent application; a server computer for distributing requested data over a network, the server computer being interfaced to the network, as also allegedly shown in Figure 1 of the Cooper application; a token interfaced to the client computer, as allegedly disclosed on page 2, paragraph 0018 of the Cooper patent application and also at page 5, paragraph 0042 of the Williams patent application; and wherein the server computer stores a certificate and a private key in the token, allegedly disclosed at page 17, paragraph 0277 of the Cooper patent application.

Independent Claim 31 has also been rejected in view of the Cooper and Williams published patent applications. In this regard, the Examiner contends that the Cooper patent application discloses, in Figure 1, a client computer for requesting data over a network which is interfaced to the network; a server computer for distributing the requested data over a network which is also interfaced to the network, also allegedly in Figure 1 of the Cooper patent application; and at page 2, paragraph 0018 of the Cooper patent application and at page 5, paragraph 0042 of the Williams patent application, a token interface to the client computer. The Examiner acknowledges that neither the Cooper patent application nor the Williams patent application discloses a third-party computer system interfaced to the network that issues certificates and stores tokens. However, the Examiner believes that this is something that is obvious to one of ordinary skill in the art, since the capability exists from the disclosure in the Cooper and Williams patent applications to issue certificates and storing them in the token, where a third-party storage computer is a design choice and would be obvious to one of ordinary skill in the art.

Dependent Claims 2, 3, 5-13, 15-22, 24-27, 29 and 32 have also been rejected in view of the combination of the Cooper patent application and the Williams patent application. Dependent Claim 30 was rejected under 35 U.S.C. 103(a) in view of the combination of the Cooper and Williams patent applications and U.S. Patent No. 6,742,023 (Fanning). In this regard, the Examiner acknowledges that the Cooper patent application and Williams patent

application do not disclose the existence of a firewall interfaced to the network, but contends that the Fanning patent does, and refers to Figure 5 of the Fanning patent for disclosing this.

The Examiner also cites a number of other published patent applications, including a published U.S. application having publication no. 2002/0029350 (Cooper et al.) and another published application having publication no. 2002/0004902 (Toh et al.), but the Examiner did not apply these applications against any of the claims. These additional references have been carefully considered, but are believed to be not as relevant as the references applied against the claims, and the claims are respectfully urged to patentably distinguish over these references for reasons stated below.

Claims 1, 4, 14, 23 and, as previously mentioned 27, have been amended, and Claims 28-32 have been cancelled, in a sincere effort to define more clearly and more specifically features of Applicants' invention which distinguish over the art of record. In particular, in each of independent Claims 1, 4, 14 and 23, the claims have been more specifically amended to clarify and specifically define that the token is a portable device of the client and used by the client during a transaction, and that the portable token is a physical device, that is, it is not software embedded in a computer. It is respectfully urged that this clarifying and more specific language added to independent Claims 1, 4, 14 and 23 distinguish the claimed invention from the devices and methodologies disclosed in the cited references, that is, the Williams and Cooper patent applications.

More specifically, the published Cooper application, at page 8, paragraph 102, discloses associating a message with the user's private key, not the user's token (and the unique DN ("distinguishing number") in the token), such as disclosed in the Applicants' subject application under examination, at page 5, paragraph 59 and shown in Figures 5A and 5B. The published Williams patent application teaches using tokens for user authentication, at page 5, paragraph 42, but the data/content is not associated with the token; rather, it is related to the computer. The Examiner's attention is respectfully called to the Williams patent specification, at pages 5 and 6, the bridging paragraph numbered at 47, where it is stated "associated with a physical or logical component of the users' computer".

In the claimed application, the token is for the user and is portable, that is, it can be carried from one computer to another or to any other media player device. Thus, this is certainly an improvement over the system and methodology disclosed in the published Williams patent application, because in the system and methodology set forth in the claims of the pending application, the user can move content between devices he owns, but copy protection is still preserved (that is, another user without the proper token cannot use the data).

Accordingly, Claims 1, 4, 14 and 23, which are the pending independent claims, have been amended to clarify that the token is a physical device which belongs to the client and which is used by the client, and further that the token is a portable device and can be carried from one computer to another or to any other media player device. It is not data which is stored on a computer, such as with a "cookie", and, in fact, the Williams patent application is believed to use the word "token" in such context, and not as a portable, physical device which belongs to the client and which may be carried from one computer to another.

With respect specifically to Claim 4, the Cooper patent application discloses certificates, but not tokens, and the Williams patent application does not teach "user" tokens, as now more specifically defined by Claim 4. In further respect to Claim 14, the message ("transaction data") neither in the Cooper patent application nor in the Williams patent application is associated with the user's token, as now more specifically defined by Claim 14. In fact, the Cooper patent application discloses that the transaction data is associated with the user via an embedded watermark, not with a separate message, and the Williams patent application discloses that it is associated with the receiving computer, that is, some unique component of that computer.

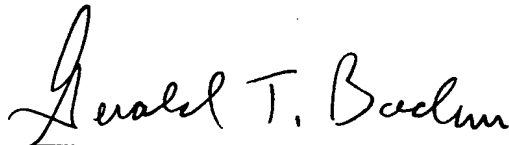
Similarly, with respect to independent Claim 23, the token is now defined as being "portable" and being a physical device used by a client, such features not being disclosed by the published Williams and Cooper patent applications.

Accordingly, it is respectfully urged that independent Claims 1, 4, 14 and 23, as now amended, patentably distinguish over the Williams and Cooper patent applications and are allowable. Dependent Claims 2, 3, 5-13, 15-22 and 24-27 depend directly or indirectly from

one of independent Claims 1, 4, 14 and 23, which have now been amended, and are respectfully urged to patentably distinguish over the Williams and Cooper patent applications for the same reasons submitted with respect to the amended independent claims. As mentioned previously, Claims 28-32 have been cancelled.

In view of the foregoing amendments and remarks, favorable reconsideration of amended Claims 1, 4, 14, 23 and 27 and of original Claims 2, 3, 5-13, 15-22 and 24-26, and allowance of the application with Claims 1-27 are respectfully solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gerald T. Bodner". The signature is written in dark ink and is positioned above a horizontal line.

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